

**Draft Alternative Compliance Pathway for Receiving Water Limitations**  
**Revised June 23, 2015**

Insert the following as Provision B.3.c:

**c. ~~DISCHARGE PROHIBITIONS AND RECEIVING WATER~~ LIMITATIONS COMPLIANCE OPTION**

Each Copermittee has the option to utilize the implementation of the Water Quality Improvement Plan to demonstrate compliance with the requirements of Provisions A.1.a, A.1.c, A.1.d, ~~and A.2.a~~, and A.3.b within a Watershed Management Area subject to. ~~A Copermittee will be deemed to be in compliance with Provisions A.1.a, A.1.c and A.2.a within a Watershed Management Area when~~ the following conditions are met:

- (1) A Copermittee is eligible to be deemed in compliance with Provisions A.1.a, A.1.c, A.1.d, A.2.a, and A.3.b within a Watershed Management Area when ~~the~~ Water Quality Improvement Plan for a Watershed Management Area ~~must~~ incorporates the following:
  - (a) Numeric goals, water quality improvement strategies, and schedules developed pursuant to Provisions B.3.a and B.3.b that include the following:
    - (i) Interim and final WQBELs established by the TMDLs in Attachment E to this Order applicable to the Copermittee's jurisdiction within the Watershed Management Area; ~~AND~~ and
    - (ii) Interim and final numeric goals for any ASBS subject to the provisions of Attachment B to State Water Board Resolution No. 2012-0012 applicable to the Copermittee's jurisdiction within the Watershed Management Area; AND
    - (iii) Interim and final ~~N~~numeric goals applicable to the Copermittee's MS4 discharges within the Watershed Management Area expressed as numeric concentration-based or load-based goals for all ~~other~~ pollutants and conditions listed on the Clean Water Act Section 303(d) List of Water Quality Impaired Segments<sup>1</sup> for the receiving waters in the Watershed Management Area that do not have a TMDL ~~developed and~~ incorporated into Attachment E to this Order; AND/OR ~~and~~
    - (iv) Interim and final ~~N~~numeric goals for pollutants and conditions identified as receiving water priorities in the Water Quality Improvement Plan for receiving waters that will result in chemical, physical, and ~~or~~ biological conditions protective of the beneficial uses of the receiving waters impacted by the Copermittee's MS4 discharges ~~that will be protective of the beneficial uses~~ within the Watershed Management Area ~~under the Copermittee's jurisdiction;~~ AND

<sup>1</sup> 2010 and subsequent 303(d) Lists

- (v) The Copermittee has the option to include interim and final numeric goals applicable to the Copermittee's MS4 discharges and/or receiving waters within the Watershed Management Area for any pollutants or conditions in addition to those described in Provisions B.3.c.(1)(a)(i)-(iv); AND
- (vi) Schedules for achieving each final numeric goal that reflect a realistic assessment of the shortest practicable time needed for achievement; AND
- (vii) For each final numeric goal developed pursuant to Provisions B.3.a and B.3.c.(1)(a)(i)-(v), at least one annual milestone<sup>2</sup> and date for its achievement must be included within each Water Quality Improvement Plan Annual Report reporting period until the final numeric goal is achieved.
- (b) An analysis ~~utilizing a watershed model or other watershed analytical tools~~ that meets the following conditions:
- (i) The analysis, with clearly stated assumptions included in the analysis, must quantitatively demonstrate that the implementation of the water quality improvement strategies required under Provision B.3.b will achieve the final numeric goals within the ~~established~~ schedules ~~required to be~~ developed pursuant to Provisions B.3.a and B.3.c.(1)(a).
- (ii) The development of the analysis must include a public participation process which allows the public to review and provide comments on the analysis methodology utilized and the assumptions included in the analysis. Public comments and responses must be included as part of the analysis documentation included in the Water Quality Improvement Plan.
- (iii) The analysis may be performed by an individual Copermittee ~~only for its jurisdiction within the Watershed Management Area~~, or jointly by two or more ~~of any of the~~ Copermittees choosing to utilize this compliance option for their jurisdictions within the ~~same~~ Watershed Management Area.
- (iv) The analysis must be updated as part of the iterative approach and adaptive management process required under Provisions B.5.a-b.
- (c) Specific monitoring and assessments ~~included in the monitoring and assessment program~~ required pursuant to Provision B.4.a that will be performed by the Copermittee capable of to: 1) ~~demonstrating~~ whether the implementation of the water quality improvement strategies ~~within its jurisdiction~~ are making progress toward achieving the numeric goals in

<sup>2</sup> Annual milestones for each final numeric goal must build upon previous milestones and lead to the achievement of the final numeric goal. The annual milestones may consist of water quality improvement strategy implementation phases, interim numeric goals, and other acceptable metrics.

- accordance with the established schedules developed pursuant to Provisions B.3.a and B.3.c.(1)(a), and 2) determining whether interim and final numeric goals have been achieved. The specific monitoring and assessments must be updated as part of the iterative approach and adaptive management process required under Provision B.5.c.
- (d) Documentation showing that the numeric goals, schedules, and annual milestones proposed pursuant to Provision B.3.c.(1)(a), the analysis performed pursuant to Provision B.3.c.(1)(b), and the specific monitoring and assessments proposed pursuant to Provision B.3.c.(1)(c) have been reviewed by the Water Quality Improvement Consultation Panel (see Provision F.1.a.(1)(b)) ~~for any recommendations~~. Updates must be reviewed by the Water Quality Improvement Consultation Panel for any recommendations.
- (2) Each Copermittee that voluntarily completes the requirements of Provision B.3.c.(1) ~~is chooses to utilize this option will, for the pollutant/water body combinations included in the analysis performed pursuant to Provision B.3.c.(1)(b), be~~ deemed in compliance with Provisions A.1.a, A.1.c, A.1.d, and A.2.a, and A.3.b for the pollutants and conditions for which numeric goals are developed when the Water Quality Improvement Plan, incorporating the requirements of Provision B.3.c.(1), is accepted by the San Diego Water Board pursuant to Provision F.1.b or F.2.c. The Copermittee is considered to be in compliance during the term of this Order as long as:
- ~~(3) The Copermittee will, for the pollutant/water body combinations included in the analysis performed pursuant to Provision B.3.c.(1)(b), remain in compliance with Provisions A.1.a, A.1.c and A.2.a during the term of this Order as long as:~~
- ~~(a) The results of the analysis performed pursuant to Provision B.3.c.(1)(b) is accepted by the San Diego Water Board Executive Officer as part of the Water Quality Improvement Plan and as part of subsequent updates to the Water Quality Improvement Plan; AND~~
- ~~(b)(a) The Copermittee continues to is implementing~~ the water quality improvement strategies within its jurisdiction developed pursuant to Provision B.3.b.(1) and in accordance compliance with the schedules for implementing the strategies established pursuant to Provisions B.3.b.(3)(a) and B.3.c.(1)(a)(vii); AND
- ~~(e)(b) The Copermittee continues to is performing~~ the monitoring and assessments ~~specified in the Water Quality Improvement Plan, developed and implemented pursuant to Provision B.3.c.(1)(c), to demonstrate its progress toward achieving the numeric goals applicable to its MS4 discharges in accordance with the interim and final dates for achieving the numeric goals established pursuant to Provision B.3.a.(2); AND~~

~~(d)~~(c) The Copermittee's assessments in the Water Quality Improvement Plan Annual Report submitted pursuant to Provision F.3.b.(3) support a conclusion that: 1) the Copermittee is in compliance with the annual milestones and dates for achievement developed pursuant to Provision B.3.c.(1)(a)(vii), OR 2) the Copermittee has provided acceptable rationale and recommends appropriate modifications to the interim numeric goals, and/or water quality improvement strategies, and/or schedules to improve the rate of progress toward achieving the final numeric goals developed pursuant to Provisions B.3.a and B.3.c.(1)(a)(i)-(vi); AND

(d) Any proposed modifications to the numeric goals, schedules, and/or annual milestones are accepted by the San Diego Water Board as part of subsequent updates to the Water Quality Improvement Plan pursuant to Provision F.2.c;<sup>3</sup> AND

(e) The Copermittee ~~continues to is~~ implementing the requirements of Provision A.4.a.

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<sup>3</sup> A request for proposed changes to the Water Quality Improvement Plan does not stay any permit condition.